

Sep 21, 2018

SEAN F. McAVOY, CLERK

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

LANCE FERNANDO Z.,

Plaintiff,

v.

COMMISSIONER OF SOCIAL
SECURITY,

Defendant.

No. 1:18-CV-03005-RHW

**ORDER GRANTING STIPULATED
MOTION FOR REMAND**

Before the Court is a Stipulated Motion for Remand in which the parties jointly move the Court to remand for further administrative proceedings. ECF No. 20. Based on the agreement of the parties and the record, the Court finds good cause to grant the motion.

The Commissioner's decision to deny Plaintiff's application for Social Security disability benefits under the Social Security Act is **REVERSED** and **REMANDED** for further proceedings pursuant to sentence four of 42 U.S.C. § 405(g), including a *de novo* hearing if the agency does not issue a fully favorable decision. Upon remand, the administrative law judge shall: (1) re-weigh the treating source opinion of Fred Thysell, M.D., and either include in the residual functional capacity all assessed limitations or provide legally sufficient reasons,

1 supported by substantial evidence, for discounting any assessed limitation; and (2)
2 reformulate Plaintiff's residual functional capacity and proceed with steps four and
3 five, obtaining vocational evidence, if necessary.

4 Accordingly, **IT IS HEREBY ORDERED:**

5 1. The parties' Stipulated Motion for Remand, **ECF No. 20**, is **GRANTED**.

6 2. The Commissioner's decision is **REVERSED** and this matter is
7 **REMANDED** for further administrative proceedings consistent with this order.

8 3. All pending motions in this matter are now moot.

9 4. Reasonable attorney fees may be awarded under 28 U.S.C. § 2412 and/or
10 28 U.S.C. § 1920, upon proper request to the Court.

11 5. The District Court Executive shall enter judgment for the Plaintiff and
12 against Defendant.

13 **IT IS SO ORDERED.** The District Court Executive is directed to enter this
14 Order, forward copies to counsel, and **close the file**.

15 **DATED** this 21st day of September, 2018.

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17 *s/Robert H. Whaley*
18 ROBERT H. WHALEY
19 Senior United States District Judge
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